

FILED

April 17, 2003

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Attorney for the State Board of Medical Examiners

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Tobey Palan
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF : Administrative Action

Mohammad Sarwar, M.D.
License No. MA 027169

CONSENT ORDER

TO PRACTICE MEDICINE & SURGERY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of information that on or about August 1, 2002, Respondent, Mohammad Sarwar, M.D., executed a Consent Order with the New York State Board for Professional Medical Conduct (NY Board). The Consent Order states that Respondent agreed not to contest the Specification of Charges dated July 26, 2002.

The Specification of Charges recount that Patient A was seen in the emergency room at Olean General Hospital on May 1, 1999, because of a possible left arm injury. Respondent reviewed x-rays taken of Patient

CERTIFIED TRUE COPY

A's left shoulder, and failed to diagnose an avulsion fracture of the left humerus. Respondent deviated from accepted standard of medical care in the following manner: Respondent failed to properly interpret x-ray films taken of patient A's left shoulder on May 1, 1999. Further, Patient B was seen in the emergency room at Olean General Hospital on April 17, 1998, because of a possible knee injury. Respondent interpreted an MRI taken of Patient B's knee as revealing a sprain of *the* anterior cruciate ligament. The correct interpretation was that Patient B had sustained a tear of the anterior cruciate ligament, sprain of the posterior cruciate ligament and tear of the medial collateral ligament. Respondent deviated from accepted standards of medical care in the following manner: Respondent failed to properly interpret MRI film taken of Patient B's knee on April 17, 1998.

The Specification of Charges charged Respondent with committing professional misconduct as defined in N.Y. Educ. Law Section 6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion.

After having reviewed the entire record, it appears to the Board that the New York disciplinary proceedings establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) in that Respondent did not contest the allegations of repeated acts of negligence. It appearing that Respondent desires to resolve this matter without formal proceedings and for good cause shown:

Mar-08-2003 03:30am From

T-036 P.005/005 F-071

IT IS ON THIS 17th day of April, 2003, ORDERED AND AGREED
that Respondent ~~is~~ reprimanded by the New Jersey State Board of Medical
Examiners.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



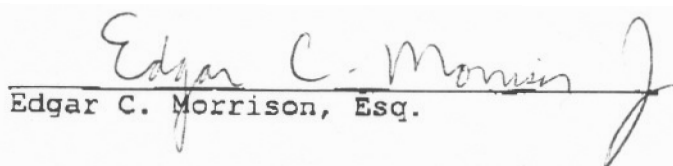
William V. Harrer, M.D., B.L.D.
Board President

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to enter
this Order.



Mohammad Sarwar, M.D.

Consent as to form.



Edgar C. Morrison, Esq.



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 1, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mohammad Sarwar, M.B.
5945 McFarland Drive
Plano, Texas 75093

RE: License No. 114818

Dear Dr. Sarwar:

Enclosed **please find Order #BPMC 02-235 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 1, 2002.**

If the penalty imposed by the Order is a **surrender, revocation or suspension of this license**, you are required **to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.**

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: **Ms. Susan Piver, Esq.**
315 Lincoln Parkway
Buffalo, New York 14216

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MOHAMMAD SARWAR, M.D.

CONSENT
ORDER

BPMC No. 02-235

Upon the **proposed agreement** of Mohammad Sarwar, M.D. (Respondent) **for** Consent **Order**, which application is made a part hereof, it is agreed to and

ORDERED, that ~~the~~ application **and** the **provisions** thereof are hereby adopted **and so ORDERED**, and it is further

ORDERED, that this **order shall be effective** upon **issuance** by the Board, which may be accomplished by mailing, by first **class mail**, a copy of the Consent Order to Respondent at the address set forth in this agreement or to **Respondent's** attorney **by** certified mail, or upon **transmission via** facsimile to **Respondent** or **Respondent's** attorney, whichever is **earliest**.

SO ORDERED.

DATED: 8/1/02



WILLIAM P. DILLON, M.D.

Chair
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MOHAMMAD SARWAR, M.D.

CONSENT
AGREEMENT
AND
ORDER

Mohammad Sarwar, M.D., (Respondent) states:

That on or about January 22, 1973, I was licensed to practice as a physician in the State of New York, having been issued License No. 114818 by the New York State Education Department.

My current address is 5945 McFarland Drive, Plano, Texas, 75093, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the first specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license shall be subject to a censure and reprimand.

I further **agree** that **the** Consent Order for which I hereby apply shall impose the **following** conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.


I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

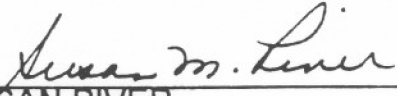
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATE. 7/25/, 2002



MOHAMMAD SAKWAK, M.D.
RESPONDENT

The **undersigned** agree to the attached application of the Respondent and to the **proposed penalty based** on the terms and conditions thereof.

DATE: 7/24/02


SUSAN PIVER
Attorney for Respondent

DATE: 7/25/02


JEFFREY J. CONKLIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 7/31/02


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MOHAMMAD SARWAR, M.D.

STATEMENT
OF
CHARGES

Mohammad Sarwar, M.D., the **Respondent**, was authorized to practice medicine in New York State on or about **January 22, 1973**, by the issuance of **license number 114818** by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Patient A, hereinafter identified in the **annexed Appendix**, was seen in the **emergency** room at **Olean General Hospital** on the **1st day of May, 1999**, because of a **possible left arm injury**. The **Respondent** reviewed **x-rays** taken of Patient A's **left shoulder**, and **failed to diagnose an** avulsion fracture of the **left humerus**. **Respondent deviated from accepted standards** of medical care in the following manner:
1. Respondent failed to **properly interpret x-ray films** taken of patient A's **left shoulder on May 1, 1999**.

B. Patient B, **hereinafter** identified in the **annexed Appendix**, was seen in **the** emergency room at Olean **General** Hospital on **April 17, 1998**, because of a **possible** knee injury. Respondent **interpreted** an MRI taken of **Patient B's knee as** revealing a **sprain** of the anterior **cruciate** ligament. The correct interpretation **was that** Patient B **had sustained** a tear of the anterior **cruciate** ligament, **sprain of the posterior cruciate** ligament, and tear of *the* **medial** collateral ligament. Respondent **deviated** from accepted **standards** of **medical care** in **the** following **manner**:

1. **Respondent failed to properly interpret MRI film**
taken of **Patient B's knee on April 17, 1998.**

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with committing **professional** misconduct as defined in N.Y. Educ. Law §6530(3) by reason of his practicing the profession of medicine with **negligence** on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following as alleged in:

1. The facts in paragraphs A and A.1; and
2. The facts in paragraphs B and B.1.

DATED: *July 26*, 2002
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct